

CITY COUNCIL  
CITY OF WICHITA  
KANSAS

City Council Meeting  
9:00 A.M., June 21, 2005

City Council Chambers  
455 North Main

ORDER OF BUSINESS

- Call to Order
- Invocation
- Pledge of Allegiance
- Approve the minutes of the June 14, 2005 regular meeting

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AWARDS AND PROCLAMATIONS

- Proclamations

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PUBLIC AGENDA

1. Glenn O. Thompson, Executive Director, Stand Up for Kansas-The economic and social impact of a casino in Sedgwick County.

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CONSENT AGENDA

2. Report of the Board of Bids and Contracts Dated June 20, 2005.

RECOMMENDED ACTION: Receive and file report; approve Contracts;  
authorize necessary signatures.

3. Applications for Licenses to Retail Cereal Malt Beverages:

Renewal

Hanh Bui  
Richard A. Diamond

2005

Saigon Restaurant\*  
Ty's Diner Inc.\*

(Consumption on Premises)

1103 North Broadway  
928 West Second Street

(Item 3 continued)

<u>Renewal</u>	<u>2005</u>	<u>(Consumption off Premises)</u>
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Diana Wilson	Tri Bees Express Inc	1925 West 21 <sup>st</sup> Street
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<u><b>Special Event</b></u>	<u><b>June 26, 2005</b></u>	<u><b>(Consumption on Premises)</b></u>
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<b>Brian Shorb</b>	<b>Prairie Pride-Wichita Gay Pride Festival</b>	<b>903 W. River Blvd.</b>
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\*General/Restaurant - 50% or more of gross receipts derived from sale of food.

RECOMMENDED ACTION: Approve licenses subject to Staff review  
and approval.

4. Preliminary Estimates:

- a) Lateral 34, Main 1 Westlink Interceptor Sewer to serve Westfield Acres Addition -south of Douglas, west of Tyler. (468-83831/744076/480764) Traffic to be maintained during construction using flagpersons and barricades. (District V) - \$34,800
- b) Water Distribution System to serve Reed's Cove Addition - south of 21st Street North, east of 127th Street East. (448-89853/735259/470930) Does not affect existing traffic. (District II) - \$83,000
- c) Storm Water Sewer #612 to serve The Waterfront Addition - north of 13th Street North, east of Webb. (468-83951/751395/485286) Does not affect existing traffic. (District II) - \$121,000
- d) Main 10 Northwest Interceptor Sewer - 135th Street West, 21st Street North. (468-83971/622096 /675128) Traffic to be maintained during construction using flagpersons and barricades. (District V) - \$1,520,000
- e) 24 Inch Water Main in 135th Street West from 21st Street North to 29th Street North - 135th Street West, 21st Street North. (448-89941/633960/754854) Traffic to be maintained during construction using flagpersons and barricades. (District V) - \$590,000
- f) The cost of 51st Street North from Athenian to Charles - east of Meridian. (District VI) (472-84117/765915/490-028) – Total Estimated Cost \$1,734
- g) The cost of Building Facades at 809, 811, and 815 W. Douglas to serve Kelsch's Resurvey Addition (Lots 46, 48, and Lots 50, 52, 54, 56 except the south 15 feet) - south of Douglas, west of McLean. (District IV) 472-83865/766007/491-008 – Total Estimated Cost \$120,252
- h) The cost of Facade Improvement Program at 712 West Douglas (Lot 71 on Chicago now Douglas Avenue); West Wichita Addition - north of Douglas, east of Seneca. (District IV) (472-83992 /766011/491-012 – Total Estimated Cost \$17,131
- i) Lateral 366, Four Mile Creek Sewer to serve Krug North Addition (north of 21st Street North, west of 143rd Street East) (468-83789/744127/480815) Traffic to be maintained during construction using flagpersons and barricades. (District II) - \$240,000.00

(Item 4 continued)

- j) Main 16 Four Mile Creek Sewer (along Greenwich from 1/2 mile south of 21st to K-96 Hwy) (468-83803/744115/480803) Traffic to be maintained during construction using flagpersons and barricades. (District II) - \$1,300,000.00

RECOMMENDED ACTION: Receive and file.

5. Petitions for Public Improvements:

- a) Renovate building façade at 535 West Douglas. (District IV)
- b) Assess a Sewer Main Benefit Fee to part of Reed's Cove Third Addition, south of 21<sup>st</sup> Street, east of 127<sup>th</sup> Street East. (District II)

RECOMMENDED ACTION: Approve Petitions; adopt Resolutions.

6. Minutes of Advisory Boards/Commissions:

District IV Advisory Board, March 2, 2005  
Board of Code Standards and Appeals, April 4, 2005  
District IV Advisory Board, April 6, 2005  
District VI Advisory Board, May 2, 2005  
Board of Code Standards and Appeals, May 2, 2005  
District IV Advisory Board, May 4, 2005  
District III Advisory Board, May 4, 2005  
Wichita Employees Retirement Board and Police & Fire Retirement Board, May 5, 2005  
Wichita Airport Advisory Board, May 9, 2005  
Board of Electrical Appeals Board, May 10, 2005  
Wichita Public Library Board, May 17, 2005  
District VI Advisory Board, May 18, 2005

RECOMMENDED ACTION: Receive and file.

7. Consideration of Street Closures/Uses.

RECOMMENDED ACTION: Approve the street closures.

8. Agreements/Contracts:

- a) Microfilm Services Contract.
- b) Respread Assessments: Southern Ridge Third Addition, south of Pawnee, west of Maize. (District IV)
- c) CDBG/ESG Contracts.
- d) HOME CHDO Housing Development Funding Agreements. (Districts I, III, IV, V, VI)
- e) Veterinary Services Contract for Animal Shelter.
- f) Renewal of Food Services Establishment Inspection Contract with the Kansas Department of Agriculture.

RECOMMENDED ACTION: Approve Agreements/Contracts; authorize necessary signatures.

9. Change Order: Waterwalk Public Improvements, north of Kellogg, west of Main. (District I)

RECOMMENDED ACTION: Approve the Change Orders and authorize the necessary signatures.

10. Property Acquisitions:

- a) 2348 South Pattie Street for Pawnee Widening Improvement Project from Washington to Hydraulic. (District III)
- b) 2348 South Laura Street for Pawnee Widening Improvement Project from Washington to Hydraulic. (District III)
- c) 2348 South Lulu Street for Pawnee Widening Improvement Project from Washington to Hydraulic. (District III)
- d) Easement for improving 45<sup>th</sup> Street South, west of Hydraulic. (District III)

RECOMMENDED ACTION: Approve budgets and Contracts; authorize necessary signatures.

11. Settlement of Litigation-Case No. 03 CV 2854. (District V)

RECOMMENDED ACTION: Approve first reading of the Charter Ordinance.

12. Planeview Water System Improvements. (District III)

RECOMMENDED ACTION: 1) Approve the expenditures for 2005;  
2) transfer the remaining 2003 and 2004 budget authority; 3) adopt the resolution; and 4) authorize the necessary signatures.

13. Amendment to Interlocal Agreement.

RECOMMENDED ACTION: Approve the amendment of the Interlocal Agreement with Sedgwick County for \$25,000.00.

14. Resolution Authorizing Section 5309 Grant from Federal Transportation Administration, (FTA).

RECOMMENDED ACTION: Approve the resolution and authorize the necessary signatures.

15. Kansas Foodbank Warehouse, Inc. Contract Amendment.

RECOMMENDED ACTION: Approve the Contract amendment and authorize the necessary signatures.

16. Sanitary Sewer Easement 923 East First. (District VI)

RECOMMENDED ACTION: Approve the sanitary sewer easement and authorize the necessary signatures.

17. Second Reading Ordinances: (First read June 14, 2005)

a) Amendment to parking procedures in Old Town District. (District VI)

An Ordinance amending Section 11.52.115 of the Code of the City of Wichita, Kansas, pertaining to parking procedures in the Old Town District and repealing the original of said Section.

b) ZON2005-00014 - northwest corner of 13th Street North and Webb Road. (District II)

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.210. (ZON 2005-00014)

RECOMMENDED ACTION: Adopt Ordinances.

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NEW BUSINESS

18. Appeal from an order of the Chief of Police to reclassify Local Liquor License of Our Fantasy, at 3201 South Hillside. (District III)

City ordinance define a drinking establishment/restaurant (DER) as a business that is open to the general public, sells liquor by the individual drink and meets certain requirements. Any establishment not meeting the food sales and seating space criteria is classified and licensed as a drinking establishment (DE), and minors under the age of 21 years are prohibited from entering or remaining on the premises.

RECOMMENDED ACTION: Conduct a hearing of the licensee's appeal and issued an order either upholding or overturning the same.

19. Public Hearing and Request for Letter of Intent for Industrial Revenue Bonds, U.S. Postal Service, Remote and Encoding. (District III)

Since July 2003, City staff and later GWEDC have been working with the U.S. Postal Service to secure the selection of Wichita as the site for a major expansion of its Remote Encoding Centers (RECs).

RECOMMENDED ACTION: It is recommended that the City Council

- close the public hearing and;
- approve a Letter of Intent to HLK, LLC and SRB Kansas, LLC for Industrial Revenue Bonds in an amount not-to-exceed \$6,130,000, subject to the Letter of Intent conditions, for a term of one-year;
- approve a tax abatement based on the value added by renovation of bond-financed property for an initial five-year period plus an additional five years following City Council review;
- approve the Forgivable Loan Agreement with the U.S. Postal Service in the amount of \$75,000;
- ***select the firm of Kutak Rock, LLP as bond counsel firm to handle issuance of the bonds;*** and
- authorize necessary signatures.

20. Public Hearing, Ratification and Extension of the Letter of Intent for Industrial Revenue Bonds, Genesis Health Clubs. (Districts V & VI)

On July 13, 2004, the City Council approved the issuance of a one-year Letter of Intent for Industrial Revenue Bonds (IRBs) for Genesis Health Clubs (Genesis) in an amount not to exceed \$11,850,000.

RECOMMENDED ACTION: Close the public hearing, ratify the Letter of Intent for Genesis Health Clubs for Industrial Revenue Bonds in an amount not-to-exceed \$11,850,000 and extend the Letter of Intent to June 21, 2007.

21. 21<sup>st</sup> Street North Improvement, between Oliver and Woodlawn. (District I)

The 2004-2013 Capital Improvement Program adopted by the City Council includes a project to improve 21<sup>st</sup> Street North, between Oliver and Woodlawn. District I Advisory Board sponsored a November 1, 2004 neighborhood hearing on the project.

RECOMMENDED ACTION: Approve the project; place the Ordinance on first reading and authorize the signing of State/Federal agreements as required.

22. Contract for preparation of the Arena Neighborhood Redevelopment Plan. (District VI)

In April 2005, the City issued an RFP soliciting proposals for consulting services to develop and prepare an arena neighborhood redevelopment plan concurrent with Sedgwick County's initiative to site, design and construct a new arena in downtown Wichita. A steering committee representing area and city stakeholders will be appointed within the next month to oversee the development of this plan.

RECOMMENDED ACTION: 1) Approve the selection of Gould Evans to undertake the preparation of the Arena Neighborhood Redevelopment Plan; 2) authorize staff to negotiate with Gould Evans a not-to-exceed contract of \$250,000 to perform the work; and 3) authorize the appropriate signatures.

23. Lease Agreement between the City of Wichita and the Boys and Girls Club of South-Central Kansas, Inc. (District I)

As reported to the Council at its April 5, 2005, meeting, a consortium of community leaders, calling themselves the 21<sup>st</sup> Street Committee for Progress, has committed itself to helping the Boys & Girls Club of South Central Kansas to raise the capital for a new facility to replace the current building located at 21<sup>st</sup> Street North and Grove.

RECOMMENDED ACTION: Approve the proposed lease agreement with the Boys and Girls Club of South-Central Kansas, Inc. and authorize the necessary signatures.

24. Lease Agreement between the City of Wichita and The Opportunity Project. (District I)

As reported to the Council at its April 5, 2005, meeting, The Opportunity Project is interested in building a new facility on the former Logopedic Institute site, just north of 21<sup>st</sup> Street. TOP is seeking a long-term lease at a nominal rate of one dollar per year.

RECOMMENDED ACTION: Approve the proposed lease agreement with the TOP School North Charitable Foundation and authorize the necessary signatures.

25. EMSS and Performance Management Enhancements.

On November 4, 2003, the City Council approved a new Emergency Medical Services System (EMSS) agreement with Sedgwick County. On January 7, 2004, the Fire Department presented a proposal to enhance EMSS services, in anticipation of the implementation of the new Emergency Medical Services System, (EMSS).

RECOMMENDED ACTION: Approve the additional position and any necessary budget adjustments.

26. Amendments to Section 5.88.010, 5.88.020, 5.88.030, 5.89.020 and 5.89.030 and repeal of Sections 3.08.050, 5.88.015 and 5.89.100 of the Code of the City of Wichita regarding Firearms.

House Substitute for Senate Bill No. 195 was passed by the legislature during the 2005 legislative session. This Bill prohibits a municipality from passing ordinances, which regulate the purchase, transfer, ownership, storage or transporting of firearms or ammunition, unless specifically permitted by state law.

RECOMMENDED ACTION: Place the ordinance on first reading and authorize the necessary signatures.

27. Amendments to Section 5.42.020 of the Code of the City of Wichita, Kansas, pertaining to the Crime of Giving a Worthless Check.

Currently, if a person issues a worthless check in the an amount less than \$500, the person can be criminally prosecuted for the misdemeanor crime of Giving a Worthless Check. During the 2005 legislative session, the Kansas Legislature expanded misdemeanor jurisdiction over worthless check cases, mandating that any worthless check issued under the amount of \$1,000 is a misdemeanor effective July 2, 2005.

RECOMMENDED ACTION: Place the ordinance on first reading and authorize the necessary signatures.

28. Environmental Health Department Name Change.

Prior to the restructuring of the Wichita-Sedgwick County Department of Community Health into separate City and County agencies, Environmental Health functioned as a division within the joint agency. Upon separation of the City and County functions, Environmental Health became a City department with responsibility for all City program activities.

RECOMMENDED ACTION: Approve the implementing ordinance and authorize the necessary signatures.



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PLANNING AGENDA

NOTICE: Public hearing on planning items is conducted by the MAPC under provisions of State law. Adopted policy is that additional hearing on zoning applications will not be conducted by the City Council unless a statement alleging (1) unfair hearing before the MAPC, or (2) alleging new facts or evidence has been filed with the City Clerk by 5 p.m. on the Wednesday preceding this meeting. The Council will determine from the written statement whether to return the matter to the MAPC for rehearing.

\* Consent Items

29. ZON2004-00067-Zone change from Limited Commercial and Multi-family Residential to General Commercial. Generally located at the southwest corner of Hydraulic Avenue and 13<sup>th</sup> Street North. (District I)

RECOMMENDED ACTION: 1) Concur with the findings of the MAPC and approve the zone change from "B" Multi-family Residential to "LC" Limited Commercial on Lot 295, the Granville Park Addition and deny the requested zone change form "LC" Limited Commercial to "GC" General Commercial (requires a  $\frac{3}{4}$  vote of all members of the governing body); place the ordinance establishing the zone change on first reading; **or** 2) Approve the requested "GC" General Commercial zoning with the protective overlay or the Conditional Use allowing car sales with the rezoning of the "B" zoned lot to "LC"(requires a  $\frac{3}{4}$  vote of all members of the governing body); **or** 3) Deny the application (simple majority required).

30. ZON2005-00015-Zone change from Single-family Residential to Limited Industrial with a Protective Overlay District to limit permitted uses and provide screening/buffering. Generally located south of 37<sup>th</sup> Street North and west of Broadway. (District VI)

RECOMMENDED ACTION: 1) Adopt the findings of the MAPC and approve the zone change subject to the additional provisions of Protective Overlay District #156; instruct the Planning Department to forward the Ordinance for first reading when the plat is forwarded to the City Council; or 2) Return the application to the MAPC for reconsideration.

31. \*SUB 2005-31-Plat of Wooded Acres Addition, located west of Greenwich Road and north of 31<sup>st</sup> Street South. (county)

RECOMMENDED ACTION: Approve the documents and plat; authorize the necessary signatures and adopt the Resolutions.

32. \*SUB2005-34-Plat of The Royal Magnolia Addition, located on the south side of 37<sup>th</sup> Street North and west of Maize Road. (District V)

RECOMMENDED ACTION: Approve the documents and plat; authorize the necessary signatures; adopt the Resolutions and place the Ordinance on first reading.

33. \*SUB2005-11-Plat of West 162<sup>nd</sup> Addition, located east of 167<sup>th</sup> Street West and south of Maple. (District V)

RECOMMENDED ACTION: Approve the document and plat; authorize the necessary signatures and adopt the Resolutions.

34. \*VAC2005-00019-Request to vacate a portion of a platted street side setback, generally located north of 13<sup>th</sup> Street North and east of Rock Road, more specifically on the northeast corner of the Crestwood Street and Crestwood Court intersection. (District II)

RECOMMENDED ACTION: Approve the Vacation Order and authorize the necessary signatures.

35. \*VAC2005-0020-Request to vacate a portion of the platted front setback, generally located along 135<sup>th</sup> Street West midway between Maple Street and Kellogg Avenue, more specifically on the southeast corner of the 135<sup>th</sup> Street West and links street intersection. (District V)

RECOMMENDED ACTION: Approve the Vacation Order and authorize the necessary signatures.

36. \*Programmatic Agreement regarding the administration of the Section 106 review for HUD funded projects.

RECOMMENDED ACTION: Authorize the City Manager to sign the Programmatic Agreement.

37. \*A05-12R-Request by Gary B. and Janet Hoover to annex land generally located south of 37<sup>th</sup> Street North between Maize and 119<sup>th</sup> Street West. (District V)

RECOMMENDED ACTION: Approve the annexation request and place the ordinance on first reading.

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HOUSING AGENDA

NOTICE: The City Council is meeting as the governing body of the Housing Authority for consideration and action on items on this Agenda, pursuant to State law, HUD, and City ordinance. The meeting of the Authority is deemed called to order at the start of this Agenda and adjourned at the conclusion.

\*Consent items.

**Inafay Grays-McClellan, Housing Member is also seated with the City Council.**

38. \*Admissions & Continued Occupancy Policy, ACOP.

RECOMMENDED ACTION: Review and approve the Admissions and Continued Occupancy Policy revision for the administration of the Public Housing Program; adopt the resolution and authorize the necessary signatures.

39. \*Section 8 Administrative Plan.

RECOMMENDED ACTION: Review and approve the Section 8 Administrative Plan revision for the Administration of the Section 8 Program adopt the resolution and authorize the necessary signatures.

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AIRPORT AGENDA

NOTICE: The City Council is meeting as the governing body of the Airport for consideration and action on items on this Agenda, pursuant to State law and City ordinance. The meeting of the Authority is deemed called to order at the start of this Agenda and adjourned at the conclusion.

\*Consent items

40. \*Supplemental Agreements-Cargo Building Lease Renewals.

RECOMMENDED ACTION: Approve the supplemental agreements and authorize the necessary signatures.

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CITY COUNCIL

41. Board Appointments.

RECOMMENDED ACTION: Make the appointments.

Adjournment

\*\*\*Workshop to follow\*\*\*